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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,780	07/13/2000	Yumiko Hidaka	35.C11725 DI	5089

5514 7590 03/27/2003

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NEW YORK, NY 10112

EXAMINER
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SEALEY, LANCE W

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 03/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No. 09/615,780		Applicant(s) HIDAKA ET AL.	
Examiner Lance W. Sealey		Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 13 July 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 08/724,481.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,4</u> | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Notice of Change in Art Unit***

1. The Group and/or Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2671.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all novelty rejections set forth in this Office action:

A person shall be entitled to a patent unless—

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsuka et al. (“Ohtsuka,” U.S. Pat. No. 5,748,858).

4. Ohtsuka, in disclosing a color processor, also discloses, with respect to claims 12, 19 and 20, an image processing apparatus comprising:

- input means (image input unit 10, FIG.1, and col.4, ll.36-39) for inputting input image data from a source device (image editor 12, FIG.1, and col.4, ll.40-41) having a function for adjusting an image processing condition on a basis of an instruction of a user;
- converting means for converting the input image data to device independent image data by using a profile of the source device (printing/common color space conversion profile

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group, col.6, ll.6-12); and

- setting means (image editor **12**, FIG.1) for setting a standard condition corresponding to the profile as an image processing condition of said source device (YMCK halftone dot percentage data, last sentence of Abstract).

5. Concerning claim 13, Ohtsuka discloses the standard condition stored in the profile (col.11, ll.22-32).

6. Regarding claim 14, Ohtsuka discloses the source device holding the standard condition (image editor **12** holds YMCK halftone dot percentage data, Abstract, first sentence).

7. With respect to claim 15, Ohtsuka discloses the standard condition corresponding to a condition used when the profile is prepared (image editor **12** supplies YMCK halftone dot percentage data to image processor **16** (col.12, ll.17-20). Image processor **16** has the gamut mapping/appearance LUT generator **22**, which prepares a profile. See col.11, ll.22-32.).

8. Concerning claim 16, Ohtsuka discloses the source device as a display device, and the image processing condition includes any one of conditions relating to gamma characteristic, contrast, brightness, color and temperature (YMCK halftone dot percentage data affects color).

9. Regarding claim 17, Ohtsuka discloses the converting means performing a color matching process corresponding to said source device (color matching takes into account YMCK halftone dot percentage data) and an image output device (image output unit **14A**, FIG.1, and col.6, 5-19), and wherein said converting means converts the device independent image data to

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image data for the image output device (col.6, ll.19-22) by using the profile of the image output device (col.6, ll.5-13), and further comprising:

- output means for outputting the image data for the image output device (image output units **14A** and **14B**, FIG.1); and
- adjusting means for adjusting an image processing condition of the image output device to a standard condition corresponding to a profile of the image output device (gamut mapping/appearance LUT generator **22**, FIG.1).

10. Finally, with respect to claims 18, 21 and 22, Ohtsuka discloses an image processing apparatus comprising:

- converting means for converting input image data by using an input data by using an input profile of a source device (printing/common/color space conversion group, FIG.2) and an output profile of an image output device (output device profile group, FIG.2);
- output means for outputting the converted image data to the image output device having a function for adjusting an image processing condition on behalf of a user; and setting means for setting a standard condition corresponding to the output profile as an image output condition of the image output device (gamut mapping/appearance LUT generator **22** lets user verify color and change it, if necessary, before it goes to output device. See col.11, ll.22-32.).

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11. Therefore, in view of the foregoing, claims 12-22 are rejected as being anticipated under 35 U.S.C. 102 by Ohtsuka.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lance Sealey whose telephone number is (703) 305-0026. The examiner can normally be reached Monday-Friday from 7:00 am to 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached on (703) 305-9798. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or the Customer Service Office at (703) 306-0377.

Respectfully submitted,

*Lance W. Sealey*

Lance W. Sealey, examiner